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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/530,233	09/06/2005	Arun Ramaswamy	20004/104-US	1264
81905	7590	03/18/2010		
Hanley, Flight & Zimmerman, LLC 150 S. Wacker Dr. Suite 2100 Chicago, IL 60606			EXAMINER HILLERY, NATHAN	
			ART UNIT 2176	PAPER NUMBER
			NOTIFICATION DATE 03/18/2010	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/530,233	<b>Applicant(s)</b> RAMASWAMY ET AL.	
	<b>Examiner</b> NATHAN HILLERY	<b>Art Unit</b> 2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-9,11-18,20-25 and 137-139 is/are pending in the application.
- 4a) Of the above claim(s) 26-136 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-9,11-18,20-25 and 137-139 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/3/09</u> .   | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This action is responsive to communications: Application filed on 12/8/09.
2. Claims 1, 3 – 9, 11 – 18, and 20 – 139 are pending in the case. Claims 1, 3 – 9, 11 – 18, and 20 – 25 and 137 – 139 are elected for examination at this time; of them claims 1, 9 and 18 are independent.

### ***Specification***

3. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: claims 18 – 25 regarding the computer readable medium.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 3 – 9, 11 – 18, and 20 – 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holtz et al. (US 20020053078 A1) and further in view of Jones et al. (US 20040137929 A1).
6. Regarding claim 1, Holtz et al. teach that generating trigger information based on metadata associated with a media composition (paragraph block 0159); and  
Holtz et al. teach that synchronizing a presentation of survey information with a presentation of the media composition based on the trigger information (paragraph block 0149).

Holtz et al. do not explicitly teach that the survey information configured to be presented on a handheld device while the media composition is presented on a separate device, the trigger information causing the emission of inaudible audio codes to be detected by the handheld device to present the survey information in synchronization with the presentation of the media composition.

Jones et al. teach that the survey information configured to be presented on a handheld device while the media composition is presented on a separate device, the trigger information causing the emission of inaudible audio codes to be detected by the handheld device to present the survey information in synchronization with the presentation of the media composition (paragraph blocks 0147 and 0152).

Because both Holtz et al. and Jones et al. teach methods of presenting surveys to an audience, it would have been obvious to one of ordinary skill in the art at the time of the invention to substitute one method for the other to achieve the predictable result of presenting a survey to an audience member during a television program.

7. Regarding claim 3, Holtz et al. teach that wherein the survey information is associated with a subject matter of the media composition (paragraph block 0256).

8. Regarding claim 4, Holtz et al. teach that wherein generating the trigger information comprises extracting temporal and spatial information from the metadata (paragraph block 0168).

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9. Regarding claim 5, Holtz et al. teach that wherein the media composition includes at least one of audio media, video media, and still picture media (paragraph block 0168).

10. Regarding claim 6, Holtz et al. teach that wherein synchronizing the survey information comprises synchronizing at least a portion of the survey information with a blank frame associated with the media composition (paragraph block 0143).

11. Regarding claim 7, Holtz et al. teach that wherein synchronizing the survey information comprises synchronizing at least a portion of the survey information with a time position of the media composition located between the end of the media composition and the beginning of the media composition (paragraph block 0168).

12. Regarding claim 8, Holtz et al. teach that wherein the trigger information forms part of a trigger file (paragraph block 0142).

13. Regarding claims 9, 11 – 18, and 20 – 25, the claims incorporate substantially similar subject matter as claims 1, 3 – 8 and are rejected along the same rationale.

14. Claims 137 – 139 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holtz et al. (US 20020053078 A1) and Jones et al. (US 20040137929 A1) and further in view of Aarnio (US 6873688 B1).

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15. Regarding claims 137 – 139, Neither Holtz et al. nor Jones et al. explicitly teach that the trigger information includes conditional criteria indicating which survey question should subsequently be presented based on one or more respondent answers to one or more previous survey questions.

Aarnio teaches that the trigger information includes conditional criteria indicating which survey question should subsequently be presented based on one or more respondent answers to one or more previous survey questions (Column 5, lines 58 – 67).

Because both Aarnio and the combination of Holtz et al. and Jones et al. teach methods of presenting surveys to an audience, it would have been obvious to one of ordinary skill in the art at the time of the invention to substitute one method for the other to achieve the predictable result of presenting an adaptive survey to an audience member.

### ***Response to Arguments***

16. Applicant's arguments with respect to claims 1 – 25 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

17. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NATHAN HILLERY whose telephone number is (571)272-4091. The examiner can normally be reached on M - F, 10:30 a.m. - 7:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, W Doug Hutton can be reached on (571) 272-4137. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NH

/DOUG HUTTON/

Supervisory Patent Examiner, Art Unit 2176